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UNCLAS SECTION 01 OF 10 MANAMA 000206

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HUMRIT
SUBJECT: BAHRAIN: SEVENTH ANNUAL TIP REPORT

REF: STATE 202745

MANAMA 00000206 001.2 OF 010

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11. (SBU) Post's response to reftel follows. Answers are keyed to reftel questions.

Overview

12. (SBU) 27A. Bahrain is a country of destination for men primarily as laborers and, to a much lesser extent, domestic workers, and women primarily as domestic workers, and to a lesser extent as laborers. There was no evidence that trafficking of children to Bahrain occurred during the reporting period. Trafficking does not occur within Bahrain's borders and there is no territory outside of GOB control. Numbers of those trafficked are unclear as systems for recording and reporting such information are still being developed. The Ministry of Labor stood up an automated system in mid-2005 to track employer-reported "runaway" workers, providing efficiency and enabling a wider base of users access to the information. The Ministry reported that 2,979 workers were registered as runaways by their employers in calendar year 2006, 700 of whom were domestic workers. An inter-ministerial task force has discussed the establishment of a database to record instances of trafficking in a more

comprehensive way, but work is still in progress. Sources of information on trafficking and government steps to address the problem are as follows: Ministry of Foreign Affairs, Ministry of Labor, Ministry of Justice, Ministry of Social Development, Ministry of Interior, Migrant Worker Protection Society (MWPS), human rights NGOs, and the embassies of source countries. Although the GOB sources are reliable in the information they provide, systems are not yet in place to provide extensive numerical and statistical data. Information provided by foreign embassy sources is reliable, but due to limited resources is often only numbers of nationals repatriated and some anecdotal information about individual cases. The two groups most at risk of being trafficked are female household domestic workers of various nationalities and women who traveled to Bahrain voluntarily but are coerced into commercial sexual exploitation.

¶3. (SBU) 27B. There was some evidence of an increase in the extent of trafficking from the previous period, primarily from information given by repatriated Thai women, some of whom were reportedly forced into prostitution after their arrival. Repatriations to Thailand more than doubled in calendar year 2006, to 385. Post has witnessed a significant amount of political will from the GOB to address trafficking issues, embodied most clearly in 2006 in its opening of a government shelter for trafficking victims and its efforts to pass anti-trafficking legislation. Primary source countries for Bahrain were India, Pakistan, Nepal, Sri Lanka, Bangladesh, Indonesia, Thailand, and the Philippines. To a lesser extent, Ethiopia, Eritrea, Morocco and countries of the former Soviet Union were also source countries. Trafficking occurred primarily through recruitment agencies in source countries and in Bahrain. Due to new Philippine government minimum wage requirements, the press has recently

MANAMA 00000206 002.2 OF 010

reported that some recruitment agencies are looking to increase recruitment in Vietnam and Eritrea. Victims commonly related anecdotes about agencies in source countries charging high administrative fees but describing desirable employment and attractive wages in Bahrain. Upon arrival in Bahrain, the reality that faced some new workers was a changed contract, workplace and job; long, arduous hours; lower salary than promised; and instant debts that had to be repaid to the local recruiting agency and sponsor. The new worker did not have much choice but to accept the new terms.

¶4. (SBU) 27B (cont.) Housing for workers was often over-crowded, unsanitary and sometimes without air conditioning, an unsafe situation during the extremely hot summer months. Workers could be subject to periods of non-payment or partial payment of their salaries. Domestic workers often faced excessive hours, lack of freedom of movement outside the home, verbal and physical abuse (and occasional cases of rape, although rare), withholding of documents such as passports, forced labor in the homes of neighbors or relatives of the sponsor, and forced fasting during Ramadan, even for non-Muslims. Domestics reported having been locked up in recruitment agency offices while they waited for initial deployment or redeployment in cases of problems in the initial assignment. There were occasional reports of false documents being used by expat workers, usually to increase the apparent age of a young worker (rarely under 18, but there were three or four reported cases during the period), although it was unclear whether the individual or the recruiter was responsible for initiating the procurement of false documents. The press reported occasional suicides among expatriate workers; there were four in the first two months of 2007, although this was a higher rate than is typical. Participation in the sex tourism industry was mostly voluntary, although there were cases of forced prostitution.

¶5. (SBU) 27C. From post's perspective there are no clear limitations on the government's ability to address trafficking. The government cites natural bureaucratic

delays in the passage of legislation and the realization of other initiatives.

¶6. (SBU) 27D. The inter-ministerial task force meets approximately quarterly to monitor and assess GOB progress on different fronts. Reporting on progress continues to be a weakness for the GOB. The Ministry of Labor reported labor statistics on a more regular basis in the press, but few other ministries had similar reporting mechanisms. The head of the anti-trafficking task force, MFA Assistant Under Secretary for Coordination and Follow-up Shaikh Abdul Aziz

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Bin Mubarak Al Khalifa participated in anti-trafficking training events in which he called attention to the problem of trafficking and discussed measures the government is taking to address the issue. He has made similar comments to the press. As the center of anti-trafficking activity, post has received regular support from the MFA to collect information on government efforts and to identify participants for training activities. The Ministry of Justice has also supported efforts to involve prosecutors and judges in training activities.

MANAMA 00000206 003.2 OF 010

Prevention

¶7. (SBU) 28A. The GOB acknowledges at the highest levels that trafficking is a problem, and there exists the political will to address it. Senior government officials participated in training events about trafficking to draw attention to the problem and create momentum to work against it.

¶8. (SBU) 28B. The Ministry of Foreign Affairs has the lead in anti-trafficking efforts with Shaikh Abdul Aziz as the head of the inter-ministerial task force. Other government agencies involved on the task force are as follows: Ministry of Justice, the Attorney General's office (Public Prosecution), Ministry of Interior, Ministry of Cabinet Affairs, Ministry of Social Development, and the Capital Governorate.

¶9. (SBU) 28C. Education efforts to date have focused primarily on educating new workers. There were no new campaigns initiated during the reporting period. Multi-lingual printed information describing a worker's rights and providing embassy contact information was given to workers arriving at the airport, at health centers where each new worker is required to have a physical exam, at embassies, and at the Ministry of Labor. In addition, contact information for a trafficking hotline was carried daily in the English-language newspaper, the Gulf Daily News. During 2006, the trafficking hotline office received 38 calls, 12 of which were trafficking related and the others were legal inquiries from foreign workers. GOB officials have voiced the need for additional outreach after anti-trafficking legislation is passed.

¶10. (SBU) 28D. The GOB has jointly conducted anti-trafficking workshops and trainings with NGOs who have received U.S. funding for their activities. GOB officials, judges, prosecutors, and attorneys have participated in the trainings.

¶11. (SBU) 28E. There was some official coordination between the GOB and civil society. The GOB requested the director of a non-governmental domestic violence center to manage the new government shelter. Through its five-year existence, the Migrant Worker Protection Society (MWPS) has developed an adequate network to assist victims. The Ministry of Interior occasionally contacted the MWPS when the police identified victims who needed assistance. Embassies also contacted MWPS for assistance with victims of abuse. The MWPS received no

GOB funding although Bahraini officials, in particular the MFA's Shaikh Abdul Aziz, have supported MWPS fundraising efforts. Recently the Royal Society of St. George pledged to fund the rent for the MWPS shelter for one year. The Indian Women's Association similarly did so for 2006. In 2006 MWPS assisted 120 workers, almost exclusively female domestic workers, and has had 184 cases since it began keeping records in April 2005. According to MWPS representatives, none/none of the women whom they have sheltered to date claimed to be victims of rape, although many were victims of physical abuse.

¶12. (SBU) 28F. There was no apparent system for monitoring patterns for evidence of trafficking. There was no clear screening system at Bahrain International Airport, the

MANAMA 00000206 004.2 OF 010

primary port of entry for expatriate workers and visitors. Bahrain's sole border crossing is the causeway between Bahrain and Saudi Arabia. The press carried occasional reports of alien smuggling into Saudi Arabia across the causeway, but cases were not common.

¶13. (SBU) 28G. Per para 8, the inter-ministerial task force, led by the MFA's Shaikh Abdul Aziz, coordinates GOB action. The GOB does not have a public corruption task force. Issues of corruption are addressed publicly by periodic government audit reports, Members of Parliament in the Council of Representatives, and by an NGO, the Bahrain Transparency Society.

¶14. (SBU) 28H. Member ministries of the anti-trafficking task force formulated a national plan of action that includes legislation, a shelter, a trafficking database, phone hotlines, and outreach, among other items. NGOs were not consulted in the process. The plan is an internal document and has not been made public in its official form.

Investigation and Prosecution of Traffickers

¶15. (SBU) 29A. Bahrain has not yet passed anti-trafficking legislation. Draft legislation has been completed and is reportedly being prepared to be sent to parliament by the Cabinet. The draft was circulated to other Gulf Cooperation Council (GCC) countries subsequent to their request that Bahrain take the lead on drafting model anti-trafficking legislation. Present Bahraini laws are not adequate to cover the full scope of trafficking, but cases involving trafficking have been prosecuted under forced labor, unjustifiable holding of salary, unlawful holding of an employee's passport, assault, and forced prostitution. USG-funded programs provided expert consultation to the Ministry of Justice for the drafting of the proposed legislation.

¶16. (SBU) 29B. Anyone found guilty of sexual exploitation is subject to imprisonment of between two and seven years. If the victim is under 18 years of age, the imprisonment increases to between three and ten years.

¶17. (SBU) 29C. Employers found guilty of imposing forced labor on employees are subject to imprisonment of up to ten years and/or a fine. Currently there is no law providing for criminal punishment of recruiters in source countries. Although it is unlawful to confiscate a worker's passport, it is a common practice. Employers typically return the passport when presented with a court order and no punishment is pursued. In the case of withholding wages, employers will typically only pay fully after a court ruling against them, which is rare because the plaintiff cannot afford representation nor endure lengthy court cases. Most often cases are settled out of court for lesser amounts.

¶18. (SBU) 29D. Under current law, rape of a female is punishable by a sentence of up to ten years in prison, and

rape of a male can result in imprisonment of up to seven years unless the male victim is under 17 years of age, in which case the perpetrator can be imprisoned up to ten years.

MANAMA 00000206 005.2 OF 010

Sex trafficking is not covered under current law.

¶19. (SBU) 29E. Under current laws, both the activities of prostitutes and those soliciting prostitution are criminalized. The activities of handlers of prostitutes, such as pimps or brothel owners/operators, are also criminalized. In calendar year 2005, the most recent statistics that were available, the courts won 20 prostitution related cases. Sentences for individuals who "encouraged the practice of prostitution" varied between ten days and two years in prison. Sentences for those who "managed an establishment for the practice of prostitution," ranged from three months to three years in prison.

¶20. (SBU) 29F. Because "trafficking" is not yet addressed directly by Bahraini law, there have been no convictions for trafficking. However, the GOB has prosecuted aspects of trafficking cases under current laws such as those listed in para 15. The Ministry of Labor employs mediation techniques to resolve complaints before they rise to the level of legal action. Reportedly 56% of 3062 labor complaint cases were resolved through mediation. The remaining cases were forwarded to the Public Prosecutor's Office for resolution through the courts. See para 17 on confiscation of passports and withholding of wages.

¶21. (SBU) 29G. Recruitment agencies in Bahrain and in source countries were primarily responsible for trafficking in Bahrain. Sponsors of expatriate workers who arbitrarily changed terms of worker contracts and confiscated passports were also responsible for trafficking. Based on press reports of arrests for prostitution, small crime groups ran prostitution rings. Most often prostitutes worked voluntarily, but in some cases there was evidence of forced prostitution. The Ministry of Labor employed labor inspectors to focus on recruitment agencies. During the reporting period 64 recruitment agencies were inspected, and none were closed for violations. Two of those which were closed in the previous reporting period were allowed to reopen after adequately addressing the violations.

¶22. (SBU) 29H. The Ministry of Labor employs approximately 45 labor inspectors who initiate inspections subsequent to a worker complaint, following an employer request, and also randomly. Labor inspectors inspect labor sites to find and deport illegal workers and punish their sponsors. Sponsors are liable for deportation expenses and fines of up to 1000 dinars (\$2,650) for each illegal worker. Covert police operations were permitted by Bahraini law and were used primarily to break prostitution rings.

¶23. (SBU) 29I. A module devoted to trafficking was included in the eight-week training course on international law given to newly appointed public prosecutors. The GOB has encouraged its officials to participate in trafficking related programs on how to recognize, investigate, and prosecute instances of trafficking. The USG funded the International Organization for Migration (IOM) to conduct a two-week training course in January 2007 for law enforcement officers (shelter staff and Ministry of Labor personnel also attended). The USG also provided funding for international trafficking law expert Dr. Mohamed Mattar from The Protection Project at Johns Hopkins University School of Advanced

MANAMA 00000206 006.2 OF 010

International Studies and Frank Elbers from Human Rights Education Associates to conduct a series of workshops in February 2007 for government officials, prosecutors, attorneys, employers, and civil society groups.

¶24. (SBU) 29J. Post is not aware of any cooperative international investigations or prosecutions of trafficking cases. Embassies of source countries initially coordinate with the Ministry of Labor to look into alleged trafficking cases. In the reporting period the Ministry of Labor formed a committee led by the Under Secretary that met quarterly with the ambassadors of source countries to raise issues of concern. A task force from this committee led by the Director of Labor Relations followed up on individual cases with respective labor attaches.

¶25. (SBU) 29K. There are no known trafficking-related extradition requests filed with the GOB. Bahrain is party to a number of bilateral extradition treaties and some multinational arrangements, including the Arab Agreement to Combat Trans-Arab Organized Crime and the Arab Agreement to Combat Terrorism.

¶26. (SBU) 29L. There is no firm evidence of government involvement in or tolerance of trafficking. There are occasional reports of prominent members of the Bahraini community who received authorization to sponsor more expatriate workers than they could reasonably employ. Some reportedly engaged in the illegal practice of "selling" the visa to the worker for a fee of up to more than 1000 dinars (\$2650), who was then free to look for employment secretly and illegally on the open market, called "casual labor." Employers who hired these workers were subject to fines if caught. However, since they hired these workers for less than workers hired through recruitment agencies, some accepted the risk. The Ministry of Labor's system of accountability required that if a laborer left his/her sponsor, the sponsor was required to report the laborer as a "runaway" and to pay a 100 dinar (\$265) deposit, refundable upon repatriation of the worker. (According to Ministry of Labor figures, there were 2,979 runaways reported in 2006 and 640 casual laborers were caught and referred to immigration authorities for deportation.) Reportedly, after a "casual" worker's two year work permit validity expired, the worker would go back to the original sponsor to "renew" his work permit by "buying" the visa again from the sponsor for a similar sum. The Ministry of Labor reported that in 2006 there was one case in which one Bahraini and one expatriate were arrested and charged with this kind of illicit activity.

¶27. (SBU) 29M. No government officials have been prosecuted for involvement in trafficking or trafficking-related corruption.

¶28. (SBU) 29N. Bahrain does not have an identified child sex tourism problem.

¶29. (SBU) 29O. Bahrain has signed and ratified ILO Conventions 29, 105 and 182, in addition to the Optional Protocol to the Convention on the Rights of the Child. In March 2004, the MFA announced Bahrain's accession to the UN Convention Against Transnational Organized Crime and the Protocols to Prevent, Suppress, and Punish Trafficking in

MANAMA 00000206 007.2 OF 010

Persons, especially Women and Children.

Protection and Assistance to Victims

¶30. (SBU) 30A. The GOB opened a government shelter for the first time in November 2006 to provide shelter, basic medical care, psychological, and legal services for female victims of trafficking and domestic abuse. The GOB chose the director of a non-government counseling center for victims of domestic violence, who is a clinical psychologist by training, to run the shelter. Two separate wings in the shelter accommodate the respective victims. In its current room configuration, the shelter can accommodate approximately 80 women and can

expand in the future if necessary. The shelter has a library, an exercise facility and a dining room for meals. Police are instructed not to return an abuse victim to her sponsor but to refer the case to the shelter. According to the shelter director, to date the shelter has assisted seven women, five of whom were expatriate domestic workers, and the remaining two were Bahraini victims of domestic abuse. The police referred three of the five cases to the shelter, the Public Prosecution referred one case, and MWPS contacted the shelter directly in the fifth case. One of the five women showed signs of physical abuse. The Ministry of Labor operates a trafficking hotline during business hours. The budget for the hotline was augmented to expand the service to 24 hours, but to date longer hours of service have not been offered. The MOL also provided labor dispute mediation services and worked with immigration authorities to provide temporary residency when necessary until the dispute was resolved.

¶31. (SBU) 30B. Although it permits NGOs that serve migrant workers to operate freely in Bahrain, the GOB does not provide funding for services to victims.

¶32. (SBU) 30C. Post is not aware of a formal system of victim identification. The director of the shelter consulted with law enforcement officials at the Ministry of Interior to work through identification and referral protocols. In most cases victims were given temporary shelter by the police while the case underwent a preliminary investigation. In cases of physical, sexual, or psychological abuse, the police referred the case to the shelter. In cases where there was an indication of misconduct on the part of the expatriate worker, the worker was held in detention before being deported.

¶33. (SBU) 30D. Trafficking victims were not fined or imprisoned unless they were guilty of an immigration violation or suspected of a crime such as theft or prostitution. Workers who were no longer employed by their sponsor, but who pursued work illegally as casual laborers, were detained while being processed for deportation. According to the Ministry of Labor, attempts were made not to detain workers for longer than 48 hours, but detention lengths reportedly varied.

¶34. (SBU) 30E. Although the GOB may not actively encourage workers to pursue legal action against employers, it does not discourage the initiation of such legal action. The GOB

MANAMA 00000206 008.2 OF 010

reportedly facilitates contact with lawyers, but NGOs report that workers rarely have the resources to hire quality attorneys. Immigration officials often adjust residence requirements and sponsorship enabling expatriate victims to work for employers other than their sponsors in order to support themselves during the legal process. MWPS representatives reported that they no longer encouraged victims of abuse to seek restitution through the court system due to the length of court cases. They have experienced higher levels of success working in conjunction with respective embassy staffs to negotiate with sponsors.

¶35. (SBU) 30F. The government shelter is primarily intended to care for victims as they prepare to return home to their country. Post was not aware of cases in which victims requested to be allowed to work for another sponsor. The MWPS shelter also cared for victims until they are able to return home. The Philippine Embassy has its own shelter and a robust program of protecting Philippine victims of abuse; the shelter averaged approximately 60 victims seeking refuge monthly from an estimated 8,000 Philippine domestic workers in Bahrain. A Philippine Embassy official estimated that approximately ten percent of shelter occupants reported having been a victim of some type of sexual abuse, including sexual harassment. This same official estimated that nearly 90 percent of the shelter cases showed some evidence of

trafficking. No other embassy had its own shelter. The Philippine Embassy imposed a new minimum monthly wage of 150 dinars (\$400) for all employers hiring Philippine workers and approved all contracts before the worker arrived in Bahrain. Anecdotal evidence revealed that in spite of the contract, some employers paid their workers less than the minimum stated in the contract, sometimes as low as \$130 (under the old minimum of \$200 monthly).

¶36. (SBU) 30G. The GOB does not regularly provide specialized training for government officials, including its diplomats in other countries. U.S. government contractor Education Development Center held a series of workshops in February 2007 conducted by well-known trafficking law expert Dr. Mohamed Mattar for civil society groups, employers, legal professionals, union officials and government officials. As a result of the workshops, four civil society groups (MWPS, Bahrain Human Rights Society, the General Federation of Bahrain Trade Unions, and the Women's Union) decided to coordinate their efforts to develop an anti-trafficking campaign for public awareness and outreach.

¶37. (SBU) 30H. Post is not aware that any Bahraini nationals were victims of trafficking during the reporting period.

¶38. (SBU) 30I. No international NGOs currently work in Bahrain. The GOB has not developed a mechanism by which international organizations are able to register to work in Bahrain. During the reporting period, the GOB hosted IOM's Director General Brunson McKinley to discuss future cooperation.

TIP Hero

MANAMA 00000206 009.2 OF 010

¶39. (SBU) Marietta Dias is the face of the Migrant Worker Protection Society (MWPS). Although she is not in the elected leadership of MWPS, Marietta works tirelessly for the rights of expatriate workers in Bahrain, especially for female domestic workers. She receives calls for help at all hours of the day and night and jumps to assist anyone who needs a helping hand. Marietta, originally from India, has lived in Bahrain for more than 20 years and has witnessed the difficulties of life for expatriate workers for years. She is the one who journalists contact when reporting on tragic stories of abused domestic workers and laborers. When problems arise for expatriate workers, one can be assured that Marietta will be out in front talking about the injustices they face from people who do not always treat them with respect and dignity. Although she does not have formal training in counseling or social work, through her caring nature and heartfelt compassion she has given hope to many damaged lives.

¶40. (SBU) When a group of individuals gathered in 2001 to discuss the possibilities of forming a group to assist migrant workers in need, Marietta was a moving force. Even though the group had nearly no financial backing, they committed to do whatever they could, including reaching out to well-placed members of Bahraini and expatriate society to support their initiative. Ever since, Marietta has never stopped speaking out on behalf of workers, and largely due to her efforts, the reputation of MWPS has grown. Over the years financial support from individuals and other NGOs has also grown, enabling MWPS to open a three-bedroom apartment as a shelter for victims of trafficking in April 2005. Since then MWPS has assisted 184 workers, the vast majority of them female domestic workers, and Marietta has been involved with nearly every one of them. She has spent countless hours at the offices of law enforcement officials, immigration officials, and detention center officials lobbying for workers who do not speak English and do not have anyone to

speak for them, except Marietta. Marietta personally works through their cases until they are ready to return home. Marietta is a shining star presenting hope to trafficking victims in Bahrain.

Best Practices

¶41. (SBU) A best practice that the GOB has employed is the formation of the interministerial task force. Because the issues related to trafficking overlap the responsibilities of several ministries, it is critical that there be staff in each of these ministries assigned to coordinate these actions, and the GOB has recognized this necessity. Members of the task force have participated in various workshops on trafficking and as ministry points of contact serve to spread information on trafficking within their respective ministries.

Trafficking POC

¶42. (SBU) Post POC is Poloff Mike Mussi (office: 973 1724 2834, fax: 973 1727 3011). Hours spent on the report are as follows: FS-04 officer, 60 hours; FS-02 officer, 2 hours;

MANAMA 00000206 010.2 OF 010

FS-01 officer, 2 hours.

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